



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,157	12/15/2000	Raulf M. Polichar	SAIC0010-US	8389

27510 7590 02/05/2003
KILPATRICK STOCKTON LLP
607 14TH STREET, N.W.
SUITE 900
WASHINGTON, DC 20005

EXAMINER

CHEN, KIN CHAN

ART UNIT	PAPER NUMBER
----------	--------------

1765

DATE MAILED: 02/05/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/736,157	POLICHAR ET AL.
	Examiner Kin-Chan Chen	Art Unit 1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 December 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 7-24 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 and 25-44 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

- 4) Interview Summary (PTO-413) Paper No(s). _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-6 in Paper No. 14 is acknowledged. Newly added claims 25-44 are acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 25-27 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Mlcak et al. (US 5,338,416; hereinafter "Mlcak").

In a method of photo-electrochemical process, Mlcak teaches forming an N-type contact on an alloy semiconductor material comprising a compound (such as CdTe) having at least a first component the method comprising photo-electrochemical reduction of the first component to form the N-type contact. The first component comprises a Group VI element. The method comprises forming a P-type contact on the alloy semiconductor material (col. 7, lines 42-45; abstract; col. 2, Lines 42-55).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 28-31 and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mlcak et al. (US 5,338,416; hereinafter "Mlcak").

In a method of photo-electrochemical process, Mlcak teaches forming an N-type contact on an alloy semiconductor material comprising a compound (such as CdTe) having at least a first component the method comprising photo-electrochemical reduction of the first component to form the N-type contact. The first component comprises a Group VI element. The method comprises forming a P-type contact on the alloy semiconductor material (col. 7, lines 42-45; abstract; col. 2, Lines 42-55).

Mlcak teaches that the method may be used to etch either n or p type material. Fig. 1 shows an example of depositing material and connecting the deposited material to a terminal of a power supply, connecting an electrode disposed in an electrolyte solution to a terminal of the power supply and exposing the electrolyte solution to a light source. Hence, it would have been obvious to one with ordinary skill in the art to modify Fig. 1 for the proper connection in order to use said photo-electrochemical process to accommodate specific N-type or P-type material application.

Art Unit: 1765

As to dependent claims 30 and 31, Mlcak teaches that various wavelengths may be used and etching may occur with wavelengths corresponding to sub-bandgap illumination (col. 3, lines 10-20). Mlcak also teaches that various electrolytes may be used for the application (col. 2, lines 50-52). Wavelength of light and pH of the electrolyte solution are commonly determined by routine experiment in the art of etching, in the absence of showing criticality or unexpected results, which is different in kind and not merely in degree from the results of the prior art, it would have been obvious to one of ordinary skilled in the art to determine suitable ranges through routine experimentation in order to produce an expected result.

The above-cited claims differ from prior art by various features well known to the art of semiconductor device fabrication (such as N-type conductive material comprises an Hg-In eutectic paste in claim 29; metal deposition in claim 33; vacuum deposition or electrodeless chemical exchange in claim 35). It is the examiner's position that a person having ordinary skill in the art at the time of the instantly claimed invention would have found it obvious to modify Mlcak by adding any of same well-known features to same because these features would have been anticipated to provide their art recognized advantages and thus produce an expected result.

6. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mlcak et al. (US 5,338,416; hereinafter "Mlcak") as applied to claims 28-31 and 33-36 above, and further in view of Kohl et al. (US 4,369,099; hereinafter "Kohl") or Albright et al. (US 5,578,502; hereinafter "Albright") as evidenced by Meyers et al. (US 4,710,589; hereinafter "Meyers").

Art Unit: 1765

The discussion of modified Mlcak from above is repeated here.

Unlike the claimed invention, Mlcak does not teach that chemical etching of another component of the alloy. In a method for etching compound semiconductor material selected from the group consisting of III-V and II-VI, Kohn (col. 2, lines 40 through col. 3, lines 20; col. 7, lines 40-41) or Albright (col. 2, lines 55-62; col. 46, lines 20-23) teaches using chemical etching process for making said compound semiconductor. Hence, it would have been obvious to one with ordinary skill in the art to modify Mlcak by using chemical etching process as taught by Kohn or Albright in order to control the electrical properties of the product. The combined prior art does not explicitly state that the compound semiconductor may be used to produce a PIN structure. However, it is for the intended use and it is common for the application of alloy semiconductor comprising a combination of Group II and VI element. See Meyers et al. (US 4,710,589) in the record as evidence.

7. Claims 37-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mlcak et al. (US 5,338,416; hereinafter "Mlcak") as applied to claims 28-31 and 33-36 above, and further in view of Kohl et al. (US 4,369,099; hereinafter "Kohl").

The discussion of modified Mlcak from above is repeated here.

Unlike the claimed invention, Mlcak does not teach using chemical etching for the P-type component. In a method for etching P-type semiconductor, Kohl teaches using chemical etching the P-type component. The etching may comprise exposing the semiconductor to an oxidizing agent comprising nitric acid and phosphoric acid. Hence,

Art Unit: 1765

it would have been obvious to one with ordinary skill in the art to modify Mlcak by using chemical etching process as taught by Kohn in order to complete the desired compound semiconductor. The limitations of claims 37, 39, and 42-44 have been addressed above and rejected for the same reason, *supra*.

As to dependent claim 38, because the same materials are used with the same process steps, it appears that the method of combined prior art would inherently contain the same properties and functions as claimed.

The instant claims 40 and 41 differ from prior art by specifying the volume ratio of nitric acid, phosphoric acid, and water. However, the composition / concentration is commonly determined by routine experiment in the art of etching, in the absence of showing criticality it would have been obvious to one of ordinary skilled in the art to determine the suitable volume ratio through routine experimentation in the combined prior art in order to produce an expected result.

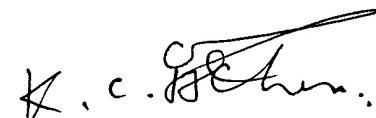
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Meyers et al. (US 4,710,589) show using alloy semiconductor comprising a combination of Group II and VI element for PIN related products. See abstract; col. 2, lines 58-65; col. 4, lines 14-25.

Art Unit: 1765

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kin-Chan Chen whose telephone number is (703) 305-0222. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Utech can be reached on (703) 308-3836. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2934.

K-C C
January 27, 2003


K. c. Chen.
Patent Examiner
Group Art Unit 1765